

intended to be sold. *Sug. Ven. Pur.* 16; *Doolin v. Ward*, 6 *John. Rep.* 194. But, to prevent a sale of the property for less than its value, where the sale is not made for the payment of debts; but merely to effect a division; and particularly, in cases like this, where the object is a conversion of the property as necessary for the interest and advantage of infants, or of persons *non compos mentis*, it has been the practice here, as in England, to allow a reserved bid for the benefit of the owners, and to authorize the trustee to employ a bye-bidder accordingly. *Conolly v. Parsons*, 3 *Ves.* 625, *note*; *Smith v. Clarke*, 12 *Ves.* 477; *Jerroise v. Clarke*, 1 *Jac. & Wal.* 389; *Brooker v. Collier*, 3 *Cond. Cha. Rep.* 439; *Shelf. on Lunatics*, 366, 368. (*k*)

(*k*) *KILTY v. QUYNN*.—This bill was filed on the 4th of June, 1804, by John Kilty against John Quynn, and Kitty, Betsey, William, Allen, and Casper Quynn, the five infant children of Allen Quynn, Junior, deceased, and John Gassaway, a minor, and Eliza Gassaway, children of Polly Gassaway, deceased. The bill stated that Allen Quynn the elder being seised in fee simple of certain tracts, lots, and parcels of land, made his last will according to law and died, by which will he devised, with some particular dispositions, the whole of his estate, the one-fourth part to his son, the defendant John Quynn; one other fourth part to his son-in-law this plaintiff; one other fourth part to the infant defendants the children of his late son Allen Quynn, Junior; and the other fourth part to his grandchildren the defendants John Gassaway and Eliza Gassaway, son and daughter of his late daughter Polly Gassaway; and appointed this plaintiff and John Gassaway his executors. That some of these devisees being minors, a division could not be effected without the interposition of this Court, and without a sale of the property thus devised to them. Whereupon it was prayed, that a sale might be ordered; a division made; and that the plaintiff might have such relief as was suited to the nature of his case, &c.

The infant defendants answered by their guardian *ad litem*, and the adult defendants also put in their answers. They all admitted the facts set forth in the bill, and consented to a sale and division being made as prayed.

HANSON, C., 18th February, 1805.—Decreed, that the lands and premises in the bill mentioned, together with any other land that Allen Quynn may have, by his last will, devised to the complainant and the defendants, be sold, and the money arising therefrom, under the direction of the Chancellor, after paying the costs of this suit, be divided amongst and paid to the respective parties according to their several interests; that John Johnson, who is recommended by more than one-half in value of the persons interested, be appointed trustee to make the sale; that the course and manner of his proceeding be as follows, &c. &c., the sales to be on credit, bond with approved surety to be given to the trustee as such, for the payment of the purchase money as follows, one-fourth thereof, with interest on the same, on or before the expiration of one year from the day of sale; one other fourth thereof, with interest on the same, on or before the expiration of two years from the day of sale; one other fourth thereof, with interest on the same, on or before the expiration of three years from the day of sale; and the remaining fourth, with interest thereon, on or before the expiration of four years from the day of sale, &c. &c., and upon the approbation, ratification,